

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Scott Traudt, *
*
Plaintiff, *
* v. * Docket No. 1:23:cv-00500-LM-TSM
*
Lebanon Police Dept./City of Lebanon, et al., *
*
Defendants. *

DEFENDANTS' PARTIAL MOTION TO DISMISS

1. Plaintiff filed the complaint in this action on November 8, 2023 asserting various federal and state-law claims for violations of his rights. (ECF Doc. 1.)

2. Defendants Lebanon Police Department/City of Lebanon, Phillip Roberts, and James Alexander request that this Court dismiss certain claims against them.

3. Specifically, these Defendants seek dismissal of (1) any claims against Alexander and Roberts in their official capacities; (2) any federal-law claims as premised on Part I, Article 15 of the New Hampshire Constitution; (3) the federal law civil conspiracy claim; (4) the neglect to prevent claim under 42 U.S.C. § 1986; (5) the state-law negligence claim against the City of Lebanon; and (6) the state-law civil conspiracy claim.

4. Defendants Lebanon Police Department/City of Lebanon, Phillip Roberts, and James Alexander seek dismissal of these claims for the reasons articulated in the memorandum of law in support of this motion to dismiss, which has been contemporaneously filed with the present motion. See Local Rule 7.1(a)(2).

5. Due to the nature of this motion, Defendants Lebanon Police Department/City of Lebanon, Phillip Roberts, and James Alexander did not seek concurrence. See Local Rule 7.1(c).

WHEREFORE Defendants Lebanon Police Department/City of Lebanon, Phillip Roberts, and James Alexander respectfully request that this Court:

- A. Grant their partial motion to dismiss; and
- B. Grant such further relief that is just.

Respectfully submitted,

**LEBANON POLICE DEPARTMENT/
CITY OF LEBANON, PHILLIP ROBERTS
AND JAMES ALEXANDER**

By Their Attorneys,

Gallagher, Callahan & Gartrell, P.C.

Dated: January 26, 2024

By: /s/ Matthew V. Burrows
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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's electronic filing system upon counsel of record.

Dated: January 26, 2024

By: /s/ Matthew V. Burrows
Matthew V. Burrows, Esq. (#20914)